

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JEVON ECTOR,)	
on behalf of herself and all others)	
similarly situated,)	
)	07 CV 6116
Plaintiffs,)	
)	Judge Grady
v.)	
)	Magistrate Judge Ashman
CITY OF MARKHAM,)	
)	
Defendant.)	

DEFENDANT, CITY OF MARKHAM'S MOTION TO DISMISS PLAINTIFFS'
COMPLAINT UNDER RULE 12(b)(1) and (6)

Defendant City of Markham, by and through its attorneys, Kathleen McDonough, Esq. and Misty R. Martin, Esq. respectfully moves this Court to Dismiss Plaintiff's entire Complaint pursuant to FED.R.CIV.P. 12(b)(1) and (6). In support of its Motion, the City of Markham attaches and incorporates by reference her Memorandum of Law and Fact in Support of Its Motion to Dismiss.

WHEREFORE, Defendant, the City of Markham, respectfully requests that this Court:

- (1) Dismiss all counts against Defendant in Plaintiff's Complaint; and/or
- (2) Strike Plaintiff's Claim for Punitive Damages in Count I of Plaintiff's Complaint; and
- (3) Strike Plaintiff's Claim for Punitive Damages in Count II of Plaintiff's Complaint.

Segal McCambridge Singer & Mahoney

By: /s/ Misty R. Martin
Misty R. Martin, Esq.
One of the Defendant, City of Markham

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of January, 2008, a copy of Defendant Cit of Markham's Motion to Dismiss was filed electronically via the Northern District of Illinois' ECF system. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Misty R. Martin
Misty R. Martin